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Attorney for the Plaintiff  
United States of America

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

|                           |   |                            |
|---------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, | ) | <b>2:17-cr-295-JCM-NJK</b> |
|                           | ) |                            |
| Plaintiff,                | ) | STIPULATION TO CONTINUE    |
|                           | ) | SENTENCING HEARING         |
| vs.                       | ) |                            |
|                           | ) |                            |
| DAVION FITZGERALD,        | ) |                            |
|                           | ) |                            |
| Defendant.                | ) |                            |
| _____                     | ) |                            |

**STIPULATION TO CONTINUE SENTENCING HEARING**

IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the United States of America, and Heidi A. Ojeda, Assistant Federal Public Defender, counsel for Defendant DAVION FITZGERALD, that the sentencing hearing for the above-captioned matter, currently scheduled for February 20, 2018, at the hour of 10:00 a.m., be vacated and continued for one (1) week. This stipulation is entered for the following reasons:

1. The Government needs additional time to formulate a response to the Defendant's sentencing memorandum.

1           2.       The Defendant is in custody, but he does not object to the continuance.

2           DATED: February 19, 2018.

3  
4           \_\_\_\_\_  
5           /s/  
6           PHILLIP N. SMITH, JR.  
7           Assistant United States Attorney  
8           Counsel for the United States

9           \_\_\_\_\_  
10          /s/  
11          HEIDI A. OJEDA, AFPD  
12          Counsel for Defendant DAVION FITZGERALD

1  
2  
3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 UNITED STATES OF AMERICA, ) **2:17-cr-295-JCM-NJK**  
7 )  
8 Plaintiff, ) **ORDER CONTINUING**  
9 vs. ) **SENTENCING HEARING**  
10 )  
11 DAVION FITZGERALD, )  
12 Defendant. )  
\_\_\_\_\_ )

13 **ORDER**

14 Based on the pending stipulation of counsel, and good cause appearing therefore, **IT IS**  
15 **HEREBY ORDERED**, that the sentencing hearing in the above-captioned matter, currently  
16 scheduled for February 20, 2018 at the hour of 10:00 a.m., be vacated and continued to  
17 **Wednesday, February 28, 2018 at 11:00 a.m.**

18 DATED February 20, 2018.

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20 \_\_\_\_\_  
21 UNITED STATES DISTRICT JUDGE  
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